UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,844	09/27/2001	Norman Ken Ouchi		4977

41212	7590	06/15/2006

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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/966,844	OUCHI, NORMAN KEN
	Examiner	Art Unit	
	Kalyan K. Deshpande	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 March 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _41-60_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _41-60_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Introduction

1.   The following is a final office action in response to the communications received

on March 29, 2006. Claims 41-60 are now pending in this application.

Response to Amendments

2.   Applicant's cancellation of claims 1-40 is acknowledged. Applicant's assertion of

new claims 41-60 is acknowledged. Applicant's amendments to the drawings and

specification are acknowledged. Examiner asserts new 35 U.S.C. §112, 35 U.S.C.

§102(b), and 35 U.S.C. 103 rejections as necessitated by amendments.

Response to Arguments

3.   Applicants' arguments filed on December 1, 2005 have been fully considered but

they are moot in view of the new ground(s) of rejection as necessitated by amendments.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

5.   Claims 41-60 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 41 recites "executing in computer", without any reference as to what is

being executed in the computer. From the text of the limitation, the process, the route

or the workflow program can be executed in the computer. For the purposes of

examination, Examiner is interpreting that the workflow program is executed in the

computer.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 41-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Berg

et al. (U.S. Patent No. 5999911).

As per claim 41, Berg et al. teach:

A project management workflow system for completing a task comprising:

A computer (see column 3 lines 62-67, column 4 lines 66-67, and column 5 lines

1-6; where the invention is implemented using a computer system.);

A project management program providing a first task with a start date, and

estimated duration and executing in the computer (see column 22 lines 47-59 and

figure 2; where tasks can have a preferred start and finish time/date. Actual and

baseline data is collected. All processes and tasks are executed in the computer.);

A workflow program providing a route, a sequence of process steps with a user

for each step to perform the step and executing in the computer (see column 2 lines

42-52 and column 4 lines 4-29; where a workflow program is described. The

workflow program manager controls the execution of steps in a workflow. A user

defines a flow or route in the workflow manager definitions. The flow or route

contain successive steps and tasks to be performed.);

Such that a first route is defined to perform the first task (see column 4 lines 4-29

and column 10 lines 47-58; where the workflow contains successive tasks that

comprise a route. Each route begins with a task or step, which would be the first

task.);

When the first task is started in the project management program, then the first

route is started in the workflow program (see column 7 lines 9-25 and column 22

lines 47-59; where the status of a task can be exported from the workflow program

and imported into a project management program. Specifically, the start and finish

status of a task is recorded and available for export. The Berg et al. system serves

as both a project management system and a workflow management system.);

When the first route is completed, then the first task is completed in the project

management program and also completed in the project management workflow

system (see column 7 lines 9-25 and column 22 lines 47-59; where the status of a

task can be exported from the workflow program and imported into a project

management program. Specifically, the start and finish status of a task is recorded

and available for export. The Berg et al. system serves as both a project

management system and a workflow management system.).

As per claim 42, Berg et al teach:

The system of claim 41, wherein the project management program provides

a second task defined to start at the completion of the first task and a second

route is defined to perform the second task such that when the first task is

completed, the second task is started in the project management program and then

the second route is started in the workflow program (see column 11 lines 44-56 and

column 22 lines 47-59; where the workflow definitions can contain dependencies. A

start-finish dependency is a relationship between two tasks where one can task

begins when the first task is complete. The status of each task can be updated into

the project management software as well.);

When the second route is completed, then the second task is completed in the

project management program (see column 7 lines 9-25 and column 22 lines 47-59;

where the status of a task can be exported from the workflow program and imported

into a project management program. Specifically, the start and finish status of a task

is recorded and available for export. The Berg et al. system serves as both a project

management system and a workflow management system.).

As per claim 43, Berg et al teach:

The system of claim 41, wherein the project management program provides a

second task defined to start at the completion of the first task and a second route is

defined to perform the second task and a third task with a third route defined to

perform the third task such that the when the project management program is

changed so that the third task is defined to start at the completion of the first task

rather than the second task, then when the first task is completed, the third task is

started in the project management program and the third route is started in the

workflow program (see column 9 lines 1-17, column 11 lines 44-56, and column 22 lines 47-59; where the workflow definitions can contain dependencies. A start-finish dependency is a relationship between two tasks where one can task begins when the first task is complete. A start-start dependency is where a second step requires a first step having started before it can start. A finish-finish dependency is where a first step cannot finish unless a second step has completed. The labeling of the steps as first, second, and third is arbitrary, thus a third step can begin at the completion of the first step the same as a second step can start at the completion of the first step. The workflow definitions are stored in templates and can be manipulated using drag and drop functionality as to replace the second step with a third step or create a subflow from the first step to the third step. The status of each task can be updated into the project management software as well.);

When the third route is completed, then the third task is completed in the project management program (see column 7 lines 9-25 and column 22 lines 47-59; where the status of a task can be exported from the workflow program and imported into a project management program. Specifically, the start and finish status of a task is recorded and available for export. The Berg et al. system serves as both a project management system and a workflow management system.).

As per claim 44, Berg et al. teach:

The system of claim 41, wherein the completion time for the first route in the workflow program is set in the project management program as the completion time for the first task (see column 7 lines 9-25 and column 22 lines 47-59; where the

status of a task can be exported from the workflow program and imported into a

project management program. Specifically, the start and finish status of a task is

recorded and available for export. The Berg et al. system serves as both a project

management system and a workflow management system.).

As per claim 46, Berg et al. teach:

The system of claim 41, wherein the project management program sends a

starting message, including an e-mail or XML message, to the workflow program at

the start of the first task to start the first route and the workflow program sends a

completion message at the completion of the first route to the project management

program to complete the task (see column 11 lines 1-9; where an email is sent

regarding the status of an activity or step. The Berg et al. system serves as both the

project management software and the workflow management system, therefore the

message is being sent from the project management system.).

As per claim 47, Berg et al. teach:

The system of claim 41, wherein a step in the first route is designated as partial

completion of the first task such that when the step is completed, the workflow

program sends a message, including an e-mail or XML message, to the project

management program to indicate partial completion of the first task (see column 11

lines 1-9; where an email is sent regarding the status of an activity or step. The

Berg et al. system serves as both the project management software and the

workflow management system, therefore the message is being sent from the

workflow management system.).

Claims 48-51 and 53-54 recite a method to implement a project workflow system

to complete a task taught by Berg et al. (see column 2 lines 42-52 and column 4 lines 4-

29; where a workflow program is described. The workflow program manager controls

the execution of steps in a workflow. A user defines a flow or route in the workflow

manager definitions. The flow or route contain successive steps and tasks to be

performed.) and further recite limitations already addressed by the rejections of claims

41-44 and 46-47; therefore the same rejections apply to these claims.

Claims 55-57 and 59-60 recite a method to sequentially execute a first route and

then a second route for a workflow system using a project management system taught

by Berg et al. (see column 2 lines 42-52 and column 4 lines 4-29; where a workflow

program is described. The workflow program manager controls the execution of steps

in a workflow. A user defines a flow or route in the workflow manager definitions. The

flow or route contain successive steps and tasks to be performed.) and further recite

limitations already addressed by the rejections of claims 41-44 and 46-47; therefore the

same rejections apply to these claims.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 45, 52, and 58 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Berg et al. (U.S. Patent No. 5999911).

As per claim 45, Berg et al. fail to explicitly teach "the project management program provides a user for the first task and the user in the first route is set to the user in the first task". It is old and well-known in the art for a project management or workflow program to assign a user to a task. The advantage of assigning a user to a task is that it enables better tracking and organization of data related to the execution of steps in a workflow. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to incorporate the feature of "project management program provides a user for the first task and the user in the first route is set to the user in the first task" to the Berg et al. system in order to enable the better tracking and organization of data related to the execution of steps in a workflow, which is a goal of Berg et al. (see column 1 lines 25-38).

Claims 52 and 58 recite limitations already addressed by the rejection of claim 45; therefore the same rejection applies to these claims.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are pertinent to the current invention, though not relied upon:

Leymann et al. (U.S. Patent No. 6122633) teach a workflow management systems (WFMS). More particularly the inventions extends WFMS by subscription means. The subscription means operate on an audit trail stored within a database. The subscription means may encompass a multitude of subscription monitors. The present invention relates to the area of workflow management systems (WFMS). More

particularly the inventions extends WFMS by subscription means. The subscription

means operate on an audit trail stored within a database. The subscription means may

encompass a multitude of subscription monitors.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)

272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

kkd

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